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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-781**

12 **PAMELA FELDMAN, a.k.a. PAMELA**  
13 **DOBSON, a.k.a. PAMELA ANN CRUNK**  
2105 Lupine Road  
Hercules, CA 94547  
14 **Registered Nurse No. 289514**

**A C C U S A T I O N**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.
- 22 2. On or about March 31, 1978, the Board of Registered Nursing issued Registered  
23 Nurse License Number 289514 to Pamela Feldman, also known as Pamela Dobson, also known  
24 as Pamela Ann Crunk (Respondent). The Registered Nurse License was in full force and effect at  
25 all times relevant to the charges alleged in this Accusation and will expire on July 31, 2011,  
26 unless renewed.
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"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

• • •

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

9. Section 4022 of the Code states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

"(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

“(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

“(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.”

## DRUGS

10. Vicodin is a brand name for Hydrocodone. Hydrocodone is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(J), and a dangerous drug as designated by Business and Professions Code section 4022.

11. Lortrab 7.5/500 is a brand name for Hydrocodone with Acetaminophen. It is a Schedule III controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4), and a dangerous drug as designated by Business and Professions Code section 4022.

#### COST RECOVERY

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### BACKGROUND

13. On or about May 2, 2008, Respondent called Walgreens in Oakland, California using Dr. Michelle Chen's (Dr. Chen) name and Drug Enforcement Agency (DEA) number to order a prescription. The prescription was for 40 tablets of Hydrocodone/Apap (Vicodin) 5 mg/500 mg, 60 tablets of Ibuprophen 600 mg, and 90 tablets of Ferrous Sulfate 325 mg (5 gr). The prescription indicated these drugs were for Respondent. Respondent picked up the prescription drugs at Walgreens.

14. On or about September 6, 2008, Respondent called Walgreens in Oakland, California using Dr. Chen's name and DEA number to order a prescription. The prescription was for 60 tablets Vicodin, 40 tablets of Ibuprophen 600 mg, and 30 tablets of Ferrous Sulfate 325 mg. The prescription indicated these drugs were for Respondent. Respondent picked up the prescription drugs at Walgreens.

15. On or about November 29, 2008, Respondent called Walgreens in Oakland, California using Dr. Chen's name and DEA number to order a prescription. The prescription was for 30 tablets of Colace 100 mg, 50 tablets of Motrin 600 mg, and 60 tablets of Lortrab 7.5/500. The prescription indicated these drugs were for Respondent. Respondent picked up the prescription drugs at Walgreens.

16. On or about December 31, 2008, Respondent called Walgreens in Oakland, California using Dr. Chen's name and DEA number to order a prescription. The prescription was for 60

1 tablets of Lortrab 7.5/500, 50 tablets of Motrin 600 mg, and 30 tablets of Colace 100 mg. The  
2 prescription indicated these drugs were for Respondent. Respondent picked up the prescription  
3 drugs at Walgreens.

4 17. On May 2, 2008, September 6, 2008, November 29, 2008, and December 31,  
5 2008, the false prescriptions-ordered by Respondent-were entered into the prescription records at  
6 Walgreens.

7 18. Dr. Chen knew Respondent because Respondent worked on her Floor at Alta Bates  
8 Hospital (Alta Bates). However, Respondent was never Dr. Chen's patient. Dr. Chen never  
9 wrote a prescription, nor authorized a prescription, for Respondent. The prescriptions ordered for  
10 Respondent on May 2, 2008, September 6, 2008, November 29, 2008, and December 31, 2008,  
11 were not written or authorized by Dr. Chen.

12 19. On June 22, 2010, an Investigator from the California Department of Consumer  
13 Affairs interviewed Respondent in Hayward, California. Respondent stated that she was on long-  
14 term medical leave since June 2009 due to back pain. She claimed that she had problems with her  
15 back off and on since 2006. Respondent explained that she had seen numerous doctors for her  
16 back pain and these doctors prescribed her various pain medications.

17 20. During the interview, Respondent admitted that she used Dr. Chen's name and DEA  
18 number when she called to order the prescriptions for the medications from Walgreens on May 2,  
19 2008, September 6, 2008, November 29, 2008, and December 31, 2008. Respondent admitted  
20 that she ordered the prescriptions from her home on days she was not working and that the  
21 prescriptions were not authorized by Dr. Chen. She claims the reason she ordered the  
22 prescriptions was to help her deal with her back pain. Respondent claims she ordered the  
23 prescriptions using Dr. Chen's name when she no longer had any legally-prescribed medications  
24 and needed the medication until she could get a new prescription or refill from one of her  
25 physicians. According to Respondent, the physicians she was seeing were aware of her previous  
26 alcohol addiction problem so they would prescribe her medication in "small amounts." (During  
27 the interview Respondent admitted she had a drinking problem years ago, but claims to have been  
28 sober since 2004.)

21. Respondent claimed that she ordered the prescriptions using Dr. Chen's name to get prescriptions for herself "in between bad times" and she admits what she did was "so disrespectful." Respondent also admitted that sometime in April 2009 she called Dr. Chen and apologized for falsifying the prescriptions.

**FIRST CAUSE FOR DISCIPLINE  
(Unprofessional Conduct)  
Bus. & Prof. § 2761(a))**

22. Respondent has subjected her Registered Nurse License to disciplinary action under Code section 2761, subdivision (a), in that Respondent fraudulently used a physician's name and DEA number to obtain fraudulent prescriptions for herself. The circumstances are explained in paragraphs 13-18, above.

**SECOND CAUSE FOR DISCIPLINE  
(Unprofessional Conduct—Illegally Obtaining and Possessing Controlled Substances)  
(Bus. & Prof. § 2762(a))**

23. Respondent has subjected her Registered Nurse License to disciplinary action under Code section 2762, subdivision (a), in that she illegally obtained and possessed controlled substances on four separate occasions. Specifically, she fraudulently obtained and possessed controlled substances on May 2, 2008, September 6, 2008, November 29, 2008, and December 31, 2008. The circumstances are explained in paragraphs 13-21, above.

**THIRD CAUSE FOR DISCIPLINE  
(Unprofessional Conduct-Use of Controlled Substances)  
(Bus. & Prof. § 2762(b))**

24. Respondent has subjected her Registered Nurse License to disciplinary action under Code section 2762, subdivision (b), in that she used controlled substances which were not prescribed to her. Specifically, she used Vicodin and Lortrab. The circumstances are explained in paragraphs 13-21, above.

**FOURTH CAUSE FOR DISCIPLINE  
(Unprofessional Conduct-Falsify Records Pertaining to Controlled Substances)  
(Business & Prof. § 2762(e))**

25. Respondent has subjected her Registered Nurse License to disciplinary action under Code section 2762, subdivision (e), in that on four occasions Respondent created false prescriptions. Specifically, on May 2, 2008, September 6, 2008, November 29, 2008, and

December 31, 2008 Respondent ordered prescriptions for herself using a Physician's name and DEA number who had not authorized or written the prescriptions. As a result, false information was entered into the records at Walgreens pharmacy, and elsewhere, regarding the prescriptions for controlled substances. The circumstances are further explained in paragraphs 13-21, above.

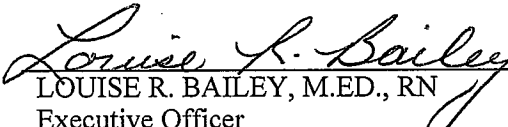
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 289514, issued to Pamela Feldman, also known as Pamela Dobson, also known as Pamela Ann Crunk;
2. Ordering Pamela Feldman, also known as Pamela Dobson, also known as Pamela Ann Crunk to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

3/17/11

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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